

Amendments to House Bill No. 472
3rd Reading Copy

SENATE LOCAL GOVERNMENT
EXHIBIT NO. 4
DATE 3.6.09
BILL NO. HB472

Requested by Senator Jeff Essmann

For the Senate Local Government Committee

Prepared by Leanne Heisel
April 6, 2009 (2:39pm)

1. Title, lines 7 and 8.

Strike: "REQUIRING" on line 7 through "HIGHWAYS;" on line 8

Insert: "PROHIBITING THE DEPARTMENT OF TRANSPORTATION FROM
REQUIRING CERTAIN MAINTENANCE ACTIVITIES WITHIN A
MUNICIPALITY AND FROM HOLDING THE STATE HARMLESS FROM
DAMAGES UNDER CERTAIN CIRCUMSTANCES;"

2. Page 2, line 2 through line 10.

Strike: section 2 in its entirety

Insert: "Section 2. Section 60-2-210, MCA, is amended to read:

"60-2-210. Payment of construction and maintenance costs
within municipalities. (1) The department, either solely or in
conjunction with a city, county, or consolidated local
government, shall pay the costs of construction of streets,
curbs, gutters, and sidewalks and maintenance of streets,
highways, curbs, and gutters that are:

~~(1)~~ (a) state highway routes; and

~~(2)~~ (b) within incorporated municipalities.

(2) The department may not, as a condition of constructing,
repairing, or replacing streets, curbs, gutters, and sidewalks
within a municipality, require the municipality to:

(a) maintain the curbs, gutters, or sidewalks; or

(b) indemnify, defend, or hold the state and the department
harmless from injuries or damages from claims resulting from
intentional or negligent acts in the construction or maintenance
of streets, curbs, gutters, or sidewalks."

{ Internal References to 60-2-210: None. }

- END -